UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

SENTRY INSURANCE COMPANY,)	
Plaintiff,)	
)	
)	
V.)	No. 4:09-CV-101 CAS
)	
ISHAN ALYASIRY, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on plaintiff's Motion for Default Judgment. When a default judgment is entered on a claim for an indefinite or uncertain amount of damages, the facts alleged in the complaint are taken as true, except facts relating to the amount of damages. Everyday Learning Corp. v. Larson, 242 F.3d 815, 818 (8th Cir. 2001). A party entitled to default judgment is required to prove the amount of damages that should be awarded. Oberstar v. F.D.I.C., 987 F.2d 494, 505 n.9 (8th Cir. 1993). Plaintiff's motion for default judgment seeks attorneys' fees of \$18,270 and costs of \$692.05.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall, within seven (7) days of the date of this order, file a Memorandum in support of its motion for default judgment to establish (1) the legal basis for its claim to recover attorneys' fees from the defendants; (2) the factual basis for its claim for

¹Pursuant to this Court's Local Rule 8.03(A), a party seeking an award of costs shall file a verified bill of costs in the form prescribed by the Clerk within twenty (20) days of the entry of final judgment. It is not clear whether plaintiff seeks an award of its costs as a prevailing party pursuant to Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920, or pursuant to a contractual provision. If the former, plaintiff should seek an award of its costs by filing a verified bill of costs, and not as a part of its motion for default judgment.

attorneys' fees, including documentation to support the number of hours billed and the hourly rates charged; (3) the legal basis for its claim to recover costs from the defendants; and (4) if plaintiff continues to seek an award of its costs as part of the default judgment, itemization and proof concerning the claimed costs incurred.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this <u>1st</u> day of September, 2009.